The Leesburg Planning Commission met on Thursday, January 15, 2004 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Christopher Murphy, John Johnston, Delane Parks, Brian Boucher, Mac Willingham, Susan Swift, and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan. He also took this opportunity to introduce and welcome Mr. Ad Barnes who was appointed to the Commission to fill the vacancy created by the resignation of James Clem.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan

Commissioner Bangert Commissioner Barnes Commissioner Dubé Commissioner Hoovler Commissioner Kennedy Commissioner Werner Mayor Umstattd

ADOPTION OF THE AGENDA

Commissioner Hoovler moved to adopt the agenda as presented:

Motion: Hoovler Second: Bangert Carried: 7-0

ADOPTION OF MINUTES

Commissioner Kennedy made a motion to approve the minutes of the December 18, 2003 meeting as submitted.

Motion: Kennedy Second: Hoovler

Carried: 6-0-1 (Commissioner Dubé abstained)

CHAIRMAN'S STATEMENT

Chairman Vaughan recapped the agenda for the public and went on to inform them that both the Petitioners Session and the Public Hearing would have a three minute clock on the speakers. The public hearing scheduled for this evening is on ZM 2003-06, Leesburg Central. There will be first submission briefings on PF 2003-0004, Potomac Crossing Community Park and DP 2002-25, Jafari Office Building. A Preview of SE 2002-12,

Kentucky Fried Chicken is also scheduled. Under New Business, the Commission will elect officers, appoint Commission Liaisons and review the Annual Report.

REMARKS BY PETITIONERS

None

PUBLIC HEARINGS

ZM 2003-06 – Leesburg Central – Christopher Murphy – Senior Planner

Christopher Murphy presented an overview of the proposed rezoning affecting the property including 201, 203, 205 Loudoun Street, 106 Harrison Street and 206 Royal Street from RHD to B-1. This project includes demolition of some of the properties to make way for a commercial development that will incorporate office space.

Chairman Vaughan asked if this project would be exclusively office space, precluding any retail space.

Commissioner Hoovler asked how the Bishop House square footage figured into the calculations of the square footage of the entire project.

Mr. Murphy responded that the calculations were dependent on the final use of the house.

Commissioner Bangert asked about the entrance and the fact that it does not line up with the entrance to Market Station. The Commission just heard about a similar situation on the application of Star Pontiac on Market Street. Mr. Murphy responded that the traffic engineer would be reviewing this and commenting on it. Would changing this interfere with sidewalk and parking in the area? The response was probably not.

She went on to ask if all renters of the affected properties had been notified of the potential razing of the buildings.

Commissioner Dubé had a concern about the calculation of the proffer for the traffic signal and road improvements that need to be addressed as a result of this development.

James Turner, the applicant, came forward with a model of the concept. He explained the layout with relation to the intersecting streets. He went on to say that they are closely working with the residential area behind this development in mind and are still tweaking the final plan. Mr. Turner said that he had already been approached by various interested businesses and realtors regarding space in this development.

Chairman Vaughan asked where the architectural wall would be placed. Chris Murphy said there were variables in this. One being whether the Bishop residence is used for residential vs. commercial use, the height of the building as a result of the natural sloping in the area, and the height that would best suit the purpose and has BAR approval.

Have all of the renters been notified of the impending plans? Mr. Turner responded that, yes, all of the tenants are aware of this.

With regard for the amount of the proffer for street improvements including a traffic signal, Mr. Turner stated that he is attempting to arrive at an amount that is economically feasible for the project. He has scaled the square footage of the project down and is using a formula based on actual square footage that will be built. The fact that he has to build around the Bishop residence has resulted in a reduction of actual square footage that will be built. He has met with the residents of the area and is considering their wishes.

Chairman Vaughan asked about the height of the building with relation to the adjacent residential dwellings.

Mr. Turner said that the plans are still not final, and that they are taking the scale of the residences into consideration in their design.

Mr. Vaughan said he is concerned about this because another project in town has a building that, now that it's built, is overwhelming with relation to the surrounding residences.

Commissioner Werner asked whether there would be two separate buildings, or one. Mr. Turner responded that there will be changes, parking requirements could also change depending on the number of units built.

Brian Boucher, Zoning Administrator, explained further about changes that could potentially be made to the basic plans as submitted.

Ms. Werner went on to ask when Mr. Turner would make a decision on how the Bishop House will be used.

Mr. Turner explained that it could take some time to make the final decision. The residents in the area would like to see it remain residential to act as sort of a buffer against commercial sprawl along Royal Street.

Ms. Werner asked Mr. Turner to explain what he meant when he said he didn't want the project to look pedestrian. He responded that he is looking for a totally unique look. Was the pedestrian plan incorporated as was depicted at the December 18th meeting? Mr. Murphy responded that some alteration of the crosswalk would be required to meet safety guidelines.

Commissioner Kennedy stated that he sees the commercial creep moving up Royal Street in future years and hoped that each property be individually considered when this begins to occur.

The first speaker was Marcia Keene of 223 Royal Street, SE. She stated that she fears commercial creep. She would like to see the Bishop house be used as a residential unit,

has concerns about sight lines in the area, and really wants to see the neighborhood remain residential.

Mr. Brian Fillman of 223 royal Street, SE reiterated the statement of Ms. Keene. They like the neighborhood and would like to see it remain as it is.

Linda Iffort of 205 Royal Street, SE also has concerns about commercial creep. She would like to see the Bishop house remain residential, is concerned about the sight line and what she will look at each time she exits her house. She likes the neighborhood, specifically purchased a home there because of the feel, and wants to stay in the neighborhood for a long time. She does not want to see drastic change.

Commissioner Werner asked whether Mr. Murphy would put together a visual that would indicate the building height and show the sight lines.

The last speaker, Maggie LaBillois of 211 Royal Street, also voiced her concern about encroaching commercial spread in the Royal Street neighborhood. She mentioned that the lack of sidewalks in the area already present a safety hazard and is afraid that the commercial development will increase the risk.

The Public Hearing was closed at 8:14pm.

Commissioner Werner asked about the alleyway near the Bishop property. Is this a public thoroughfare and will this be used as a cut through to this development?

Brian Boucher responded that yes, this is a public right of way. He does feel that since there is no entranceway to this development from Royal Street that people will more than likely not use this alley.

Chairman Vaughan asked that the homeowners and the developer get together to discuss possible uses of the Bishop house, proffered funds for traffic improvements, and to specify the height and sight lines of the project. This information should be available by the next meeting.

SUBDIVISION AND LAND DEVELOPMENT

Potomac Crossing Community Park, PF2003-0004, East End of Shanks Evans Road - John Johnston, Senior Planner

Mr. Johnston gave an overview of the proposed development. It is to construct a town operated park consisting of a ballfield, tennis and basketball courts, playground, fitness trail and picnic area. This is part of the 1986 Potomac Crossing Planned Residential rezoning when 173 acres known as Balls Bluff Regional Park was dedicated to NVRPA, of this 20-acres were to be leased to the Town of Leesburg for use as a park. In 1987 an amendment reduced the acreage to 5-acres. No action is required, this is for review and comment only at this point.

Commissioner Dubé asked how Parks and Recreation comes up with what will be put on the site. Mr. Johnston answered that this was determined back in 1987. Mr. Dubé asked if the entrance will be gated? Mr. Johnston responded that it was not required to be gated and the final decision has not yet been made.

Commissioner Bangert asked about the lights and what type they would be. Also, will this mean night games? Mr. Johnston responded that the only lights would be for the parking area. Ms. Bangert asked if Parks and Rec had ever seen these plans and why it has taken so long to come into being. Mr. Johnston replied that the development of this park was dependent on the 600th permit being issued for Potomac Crossing.

Commissioner Hoovler asked how it was determined that there would be no lights for the ballfields. Also, will there be interface with the Regional Park? Mr. Johnston replied that he was not certain how these determinations were made.

Mayor Umstattd asked if the baseball field could be converted to a soccer field if the demand was there? Mr. Johnston said that more than likely it could be constructed in such a manner to accommodate the switchover.

Commissioner Kennedy stated that there is a trail marked on the plan to this park and questioned whether this would hook up to the NVRPA trail. He also went on to talk about the historic value of the area and whether crucial spots had been identified. Mr. Johnston replied that yes, they had investigated the history and have identified those areas that were part of history.

Commissioner Werner asked whether the homeowners had been notified about this potential development. Also, how long is the lease on this land, and at the end, does this revert to NVRPA and what happens to the capital improvements. Also, why would the parking lot be lit if there is not supposed to be any night time activity. It might serve everyone better to gate the park. Also, the restroom area should be lit for safety sake, and the restroom area is poorly placed on the plan and this should be reconsidered.

Dennis Thomas, Design Engineer for the project, stated that the lighting issue has not been resolved yet.

The considerations for this project will be under further review over the next several months.

Jafari Office Building, DP 2002-25, 40 Sycolin Road – Delane Parks, Senior Planner.

Mr. Parks explained that this project was to construct a 6,440 square foot addition to an existing 1,100 square foot building on Sycolin Road. The recommendation is to approve this project contingent on satisfactory resolution of the remaining review comments. Commissioner Werner had no questions.

Commissioner Kennedy said that this was a positive improvement for the neighborhood.

Commissioner Hoovler agreed that this was a great use of the site.

Commissioner Bangert asked how long an approval was valid with no active construction activity. The answer is five years.

Commissioner Hoovler moved to recommend that the Planning Commission approve this Submission conditioned on the satisfactory resolution of the remaining review comments as reviewed by the Department of Planning and Zoning in their report dated December 17th, and the Department of Engineering and Public Works dated January 7, 2004, and agreed to in a letter by the applicant dated January 13, 2004.

Motion: Hoovler Second: Kennedy Carried: 7-0

At this point there was a five minute break in the meeting.

ZONING

Kentucky Fried Chicken, SE 2002-12 – Christopher Murphy, Senior Planner

Christopher Murphy gave an over of the proposed Kentucky Fried Chicken/A&W food outlet proposed for 911 Edwards Ferry Road. During his presentation, he pointed out the tight turning radius required for large trucks, such as delivery vehicles, that would present some safety concerns on the present site. It was also noted that the visual blocks from the apartment buildings would be inadequate to block any of this project. Fire and Rescue comments indicate that the entrance is too close to Edwards Ferry Road making the access by emergency vehicles difficult. This project will appear on the Agenda for the February 5, 2004 meeting as a Public Hearing.

Mark Nelis, counsel for the applicant, came forward to simply state that he was here to listen.

Commissioner Werner had some concern about cars that need to pull forward to wait for the order to be complete. She did not feel that there was adequate space. If parking spaces are reserved to accommodate this, then there would not be adequate parking. Also, there is heavy pedestrian traffic going through the lot right now, will the site be able to accommodate this? Mr. Murphy answered that there would be a wall put up that would close off the pedestrian traffic. Finally, what are the lots adjacent to this site zoned? Mr. Murphy responded that they are R-22.

Commissioner Kennedy is opposed to this application and stated that the 30' trucks and tractor trailers that would come though this site would create a huge hazard. All delivery trucks for this food outlet would be tractor trailer trucks. He went on to ask the length of

a fire engine and expressed his concern over the fact that they might not be able to access the site in the case of emergency. He also mentioned that the packet contains two letters of opposition from two neighbors to this lot. It looks as though the buffer zones are actually part of the neighboring property owners land.

Mark Nelis responded that it was his understanding that the property adjacent to the KFC site is under contract.

Commissioner Barnes asked what time food deliveries usually occur. He felt that they come at a time that the KFC would not be open for business, thus eliminating any problem with delivery trucks.

Mayor Umstattd mentioned that citizens are looking forward to a KFC in Leesburg. She also asked whether A&W was always connected to a KFC. Would it be possible to have a smaller footprint to the building and make it only a KFC.

Mr. Nelis said he would deliver the message to the home office, however, for the most part they are built together at a standard size.

Commissioner Bangert asked how high the walls need to be to make the 14' and 17' acceptable buffers. Brian Boucher responded that any buffer zone in this area will be ineffective for the most part because of the size of the area. He stated that 50' of space is required to make the buffer effective. The maximum height of the wall would be eight feet which still may be ineffective to the residents in the apartments adjoining this site. Her last question was about the traffic pattern. At any point was there an entrance or exit along Edwards Ferry Road? The response was that they would be too close to the current entrance to the area. She also witnessed a delivery truck at a local fast food outlet during business hours, so pre or post hour deliveries cannot be guaranteed.

Commissioner Dubé once again brought up the issue of fire trucks being able to access the site. The Fire and Rescue comments definitely state that the access is impossible.

Commissioner Vaughan said that this would come before the Commission at it's next meeting on February 5, 2004 as a Public Hearing.

COUNCIL AND REPESENTATIVE'S REPORT

Mayor Umstattd said that there were currently two applicants for the multiplex cinema project. Commissioner Vaughan stated that he read only one could finally come up with the final plans. Mayor Umstattd responded that, yes, that was true. Commissioner Werner stated that she heard that one was By Right and one was a Special Exception and this could impact the final outcome of the location.

Commissioner Bangert asked whether they were both similar in size and scope. Susan Swift responded that they were. Commissioner Werner added that there was a huge difference in the design concepts used by the parent companies of the applicants.

STAFF AND COMMITTEE REPORTS

Susan Swift, Director of Planning, Zoning and Development pointed out a format change in the agenda which will include case name and number, type of request, location/address, and staff member making the report.

She welcomed Mr. Barnes to the Commission and Mr. Dubé from his recent travels. She had a reminder on the joint meeting scheduled for January 21 with the EDC, EAC and the PC. It will be held at 7:30pm and the Balch Library.

On February 5, the cases coming before the Commission will be limited in order to accommodate the presentation by Mr. Ed McMahon. She asked if they could start the meeting at 6:00pm instead of 7:00pm

Commissioner Vaughan stated that there seems to be a large difference of opinion on several applications. He felt that the Engineering group needs to be brought in on the ground floor of more applications and encouraged their participation in the joint meeting and even the special meeting on February 5th.

Commissioner Werner asked that the presentation be first and publicly announce that the PC starts at 8:00pm. She would also like to see the BAR invited to the presentation. She feels the more they see on the new urbanism the quicker they will understand it.

Mayor Umstattd said that they need to look at the current regulations and ferret out those that have become archaic and don't encourage new design concepts. Inviting the Engineering people to this presentation is definitely a step in the right direction toward that.

Susan Swift said this is already underway and that some considerations are being carefully reviewed. She felt that the update of the Town Plan would also assist in updating the codes, however it has become apparent that some of these need review sooner rather than later.

Commissioner Hoovler asked that we make sure that this is publicized and that the televising of the meeting begins early at 6:00pm.

Commissioner Kennedy sent an email regarding the joint meeting on January 21, and at this time stated that he did not attend the last meeting of the EDC and tendered his resignation as representative to this Commission.

Commissioner Werner met with the Traffic Commission and reported that the topic of discussion was about the stop signs on Meade Drive. There was also discussion on putting in roundabouts and a \$200 speeding fine in the area. To increase this fine there would need to be clear definition of the area and 75% of the residents in the area would

need to agree to this fine. There will be a request for a crosswalk in the Woodlea neighborhood. Extension of the fence along Route 15 was also discussed.

OLD BUSINESS

None

NEW BUSINESS

Chairman Vaughan explained that this was the time of the year that elections and appointments to the various Commissions takes place.

Commissioner Kennedy moved that the current Chairperson, Cliff Vaughan, be reappointed as Chairman of the Commission. The Commission was asked if there were any other nominations at this time.

Motion: Kennedy Second: Hoovler Carried: 7-0

Commissioner Kennedy moved that he would like to nominate Robert Dubé as Vice Chairman of the Commission. The Commission was asked if there were any other nominations at this time. Commissioner Hoovler nominated Lyle Werner as Vice Chairman of the commission.

Commissioner Kennedy moved that the nominations be closed at this point.

Those if favor of Robert Dubé: Kennedy, Barnes, Dubé

Those if favor of Lyle Werner: Werner, Hoovler, Bangert, Vaughan

Commissioner Werner was elected as Vice Chairman of the Planning Commission.

The next position for consideration is that of Parliamentarian.

Commissioner Hoovler nominated Robert Dubé as Parliamentarian. Commissioner Bangert seconded the motion. The Commission was asked if there were any other nominations at this time. Commissioner Kennedy moved that the nominations be closed at this point.

Carried: 7-0

The next position under consideration was that of liaison to the EDC

Commissioner Bangert moved that Earl Hoovler be nominated. The motion was seconded by Commissioner Kennedy. Mr. Kennedy moved that the nominations be closed at this time.

Carried: 7-0

Commissioner Werner nominated Robert Dubé as liaison to the Environmental Advisory Commission. The motion was seconded by Commissioner Kennedy. Commissioner Hoovler moved to close the nominations at this time.

Carried: 7-0

Commissioner Kennedy pointed out that the Liaison to the Board of Architectural Review traditionally is the Chairperson of the Planning Commission, and thereby nominated Cliff Vaughan as liaison to the BAR. Commissioner Barnes seconded the motion. The motion was made by Commissioner Kennedy to close the nomination at this point.

Carried: 7-0

Commissioner Werner stated that she was no longer interested in representing the PC on the Residential Traffic Committee. Commissioner Hoovler moved to nominate Ad Barnes to be the liaison to the Residential Traffic Committee. Mr. Barnes declined the nomination. It was decided that Commissioner Werner would continue on this committee until someone is appointed. This decision will then again be presented at the next meeting on February 5, 2004.

Chairman Vaughan asked the Commission members to give their input with regard to planning a "Year in Review Worksession". Commissioner Hoovler suggested that they need to brainstorm the agenda and content of the session, and find a facilitator. He asked to have this put on the February 19th Planning Commission meeting.

Commissioner Werner asked whether this worksession really needs to take place this year since there was not a large turnover in Commission Members.

Commissioner Kennedy mentioned that several issues were also brought up at the meeting and that they need to see if there are pressing issues again this year.

Commissioner Kennedy said that the tenure of the appointed Planning Commission members needs to be researched because of the upcoming Council elections in March.

The Annual Report was presented to the Commission and will be presented to Council.

The motion was made to adjourn the meeting at 10:37pm.	
Prepared by:	Approved By:
Linda DeFranco, Commission Clerk	Cliff Vaughan, Chairman